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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,195	08/28/2001	Atarbes K. Gorman	BEAS-01069US1	5978
7590	04/27/2004		EXAMINER	
Sheldon R. Meyer FLIESLER DUBB MEYER & LOVEJOY LLP Four Embarcadero Center Fourth Floor San Francisco, CA 94111-4156			CHARIOUI, MOHAMED	
		ART UNIT	PAPER NUMBER	2857

DATE MAILED: 04/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/941,195	GORMAN, ATARBES K. <i>MC</i>	
	Examiner Mohamed Chariou	Art Unit 2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 January 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-8,15-21 and 26-31 is/are allowed.
- 6) Claim(s) 9-14 and 22-25 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 August 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9-11, 13 and 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Fabio et al. (LCAV Interactive Digital signal processing Library, "Class DSP. Generator")

(http://lcavwww.epfl.ch/~balmelli/java/Library/Documentation/DSP.Generator.html#_top) (hereafter "LCAV").

Fabio Marchisio and Laurent Balmelli, LCAV Interactive Digital Signal Processing Library, 1998, Laboratory for Audio-Visual Communication, Swiss Federal Institute of Technology.

Fabio et al. teach a generator software object adapted to generate a time varying signal (i.e. generates sinusoidal and cosinusoidal functions) (see page 4); a library of equations for use in the generator software object, each equation representing a time varying signal capable of being generated by the generated software object (i.e. sinusoidal and cosinusoidal functions constitute the library of equations representing time varying signals) (see page 4).

Claim Rejections - 35 USC § 103

2. **Claims 12 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fabio et al. (LCAV Interactive Digital signal processing Library, "Class DSP.

Generator")

(http://lcavwww.epfl.ch/~balmelli/java/Library/Documentation/DSP.Generator.html#_top)
(hereafter "LCAV") in view of Raimi et al. (US. 6,131,080).

Fabio et al. teach the system as stated above except for a timer software object, adapted to control the time for generation for the signal.

Raimi et al. teach this feature (see col. 5, lines 3-20 and col. 10, line 51 to col. 11, line 13). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Raimi et al.'s teaching into Fabio et al.'s teaching because a timer would communicate the time corresponding to the speed path to the monitor code generator to generate a unique signal for each particular timing path. Therefore, the time output file would specify the speed paths of interest to the monitor and simulation would be more effective.

Allowable Subject Matter

3. **Claims 1-8, 15-21 and 26-31** are allowed.

Regarding claims 1-8 and 26, none of the prior art of record teaches or suggests a notifier software object adapted to generate a notification in response to the monitoring of the time varying signal by the JMX monitor object, in combination with the rest of the claim limitations.

Regarding claims 15-21 and 27, none of the prior art of record teaches or suggests polling the generator software object at a frequency at least twice the frequency of the generated time varying signal using a monitor object of the JMX

monitor and returning a testing value for each polling of the generator software object, in combination with the rest of the claim limitations.

Regarding claims 28 and 29, none of the prior art of record teaches or suggests a notifier software object adapted to generate a notification in response to the monitoring of the time varying unorthodox signal by the JMX monitor object, in combination with the rest of the claim limitations.

Regarding claims 30 and 31, none of the prior art of record teaches or suggests polling the generator software object at a frequency at least twice the frequency of the generated time varying unorthodox signal using a monitor object of the JMX monitor and returning a testing value for each polling of the generator software object, in combination with the rest of the claim limitations.

Response to Arguments

4. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

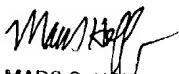
Contact information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohamed Charioui whose telephone number is (571) 272-2213. The examiner can normally be reached Monday through Friday from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S Hoff can be reached on (571) 272-2216. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mohamed Charioui
4/15/04


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800